

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

Jean-Marc Zimmerman (JZ 7743)  
Zimmerman, Levi & Korsinsky, LLP  
226 St. Paul Street  
Westfield, NJ 07090  
Tel: (908) 654-8000  
Fax: (908) 654-7207

Attorneys for Plaintiffs Millennium, L.P. and Eon-Net, L.P.

MILLENNIUM, L.P. and EON-NET, L.P.,

Plaintiffs,

v.

PITNEY BOWES INC.,

Defendant.

**CIVIL ACTION NO. 08-CV-02945**

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiffs Millennium, L.P. ("Millennium") and Eon-Net, L.P. ("Eon-Net") (hereinafter collectively referred to as "Plaintiffs"), demand a jury trial and complain against the defendant as follows:

**THE PARTIES**

1. Millennium is a limited partnership organized and existing under the laws of the Cayman Islands, with its principal place of business at Clifton House, 75 Fort Street, P.O. Box 190, George Town, Grand Cayman, Cayman Islands.

2. Eon-Net is a limited partnership organized and existing under the laws of the British Virgin Islands, with its principal place of business at P.O. Box 116, Road Town, Tortola, British Virgin Islands.

3. Upon information and belief, Pitney Bowes Inc. (hereinafter referred to as "Defendant" or "PB") is a corporation organized and existing under the laws of the State of Massachusetts having its headquarters at 1 Elmcroft Road, Stamford, CT 06926-0700.

**JURISDICTION AND VENUE**

4. This action arises under the Patent laws of the United States of America, Title 35 of the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, Defendant is doing business and committing infringements in this judicial district and is subject to personal jurisdiction in this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

**CLAIM FOR PATENT INFRINGEMENT**

7. Plaintiffs repeat and incorporate herein the entirety of the allegations contained in paragraphs 1 through 6 above.

8. On November 2, 1993, U.S. Patent No. 5,258,855 (hereinafter referred to as “the ‘855 Patent”) was duly and legally issued to System X, L.P. for an invention entitled “Information Processing Methodology.” The ‘855 Patent was subsequently assigned to Millennium. A copy of the ‘855 Patent is attached to this Complaint as Exhibit 1.

9. On November 29, 1994, U.S. Patent No. 5,369,508 (hereinafter referred to as “the ‘508 Patent”) was duly and legally issued to System X, L.P. for an invention entitled “Information Processing Methodology.” The ‘508 Patent was subsequently assigned to Millennium. A copy of the ‘508 Patent is attached to this Complaint as Exhibit 2.

10. On April 29, 1997, U.S. Patent No. 5,625,465 (hereinafter referred to as “the ‘465 Patent”) was duly and legally issued to International Patent Holdings, Ltd. for an invention entitled “Information Processing Methodology.” The ‘465 Patent was subsequently assigned to Millennium. A copy of the ‘465 Patent is attached to this Complaint as Exhibit 3.

11. On June 16, 1998, U.S. Patent No. 5,768,416 (hereinafter referred to as “the ‘416 Patent”) was duly and legally issued to Millennium for an invention entitled “Information Processing Methodology.” A copy of the ‘416 Patent is attached to this Complaint as Exhibit 4.

12. On July 25, 2000, U.S. Patent No. 6,094,505 (hereinafter referred to as “the ‘505 Patent”) was duly and legally issued to Millennium for an invention entitled “Information Processing Methodology.” A copy of the ‘505 Patent is attached to this Complaint as Exhibit 5.

13. Millennium is the owner of all right, title and interest in and to the ‘855 Patent, the ‘508 Patent, the ‘465 Patent, the ‘416 Patent and the ‘505 Patent.

14. On January 27, 2004, U.S. Patent No. 6,683,697 (hereinafter referred to as “the ‘697 Patent”) was duly and legally issued to Millennium for an invention entitled “Information Processing Methodology.” The ‘697 Patent was subsequently assigned to Eon-Net. A Certificate of Correction to the ‘697 Patent issued on July 26, 2005. A copy of the ‘697 Patent and the Certificate of Correction are attached to this Complaint as Exhibit 6.

15. On July 11, 2006, U.S. Patent No. 7,075,673 (hereinafter referred to as “the ‘673 Patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing Methodology.” A copy of the ‘673 Patent is attached to this Complaint as Exhibit 7.

16. On February 27, 2007, U.S. Patent No. 7,184,162 (hereinafter referred to as “the ‘162 Patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing Methodology.” A copy of the ‘162 Patent is attached to this Complaint as Exhibit 8.

17. Eon-Net is the owner of all right, title and interest in and to the ‘697 Patent, the ‘673 Patent and the ‘162 Patent.

### **COUNT ONE**

18. Millennium repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 and 3 through 13 above.

19. PB has for a long time past and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the ‘855 Patent by, among other things, importing, making, using, offering for sale, and/or selling computer hardware, software and systems in which information from a hard copy document is extracted and transmitted to an application

1 program in a manner defined by the claims of the '855 Patent without permission from Millennium  
2 and will continue to do so unless enjoined by this Court.

3 20. Millennium has been damaged by such infringing activities by the Defendant and  
4 will be irreparably harmed unless such infringing activities are enjoined by this Court.

5 **COUNT TWO**

6 21. Millennium repeats and incorporates herein the entirety of the allegations contained  
7 in paragraphs 1, 3 through 13, and 18 through 20 above.

8 22. PB has for a long time past and still is infringing, actively inducing the infringement  
9 of and contributorily infringing in this judicial district, the '508 Patent by, among other things,  
10 importing, making, using, offering for sale, and/or selling computer hardware, software and systems  
11 in which information from a hard copy document is extracted and transmitted to an application  
12 program in a manner defined by the claims of the '508 Patent without permission from Millennium  
13 and will continue to do so unless enjoined by this Court.

14 23. Millennium has been damaged by such infringing activities by the Defendant and  
15 will be irreparably harmed unless such infringing activities are enjoined by this Court.

16 **COUNT THREE**

17 24. Millennium repeats and incorporates herein the entirety of the allegations contained  
18 in paragraphs 1, 3 through 13, and 18 through 23 above.

19 25. PB has for a long time past and still is infringing, actively inducing the infringement  
20 of and contributorily infringing in this judicial district, the '465 Patent by, among other things,  
21 importing, making, using, offering for sale, and/or selling computer hardware, software and systems  
22 in which information from a hard copy document is extracted and transmitted to an application  
23 program in a manner defined by the claims of the '465 Patent without permission from Millennium  
24 and will continue to do so unless enjoined by this Court.

25 26. Millennium has been damaged by such infringing activities by the Defendant and  
26 will be irreparably harmed unless such infringing activities are enjoined by this Court.

**COUNT FOUR**

27. Millennium repeats and incorporates herein the entirety of the allegations contained in paragraphs 1, 3 through 13, and 18 through 26 above.

28. PB has for a long time past and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '416 Patent by, among other things, importing, making, using, offering for sale, and/or selling computer hardware, software and systems in which information from a hard copy document is extracted and transmitted to an application program in a manner defined by the claims of the '416 Patent without permission from Millennium and will continue to do so unless enjoined by this Court.

29. Millennium has been damaged by such infringing activities by the Defendant and will be irreparably harmed unless such infringing activities are enjoined by this Court.

**COUNT FIVE**

30. Millennium repeats and incorporates herein the entirety of the allegations contained in paragraphs 1, 3 through 13, and 18 through 29 above.

31. PB has for a long time past and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '505 Patent by, among other things, importing, making, using, offering for sale, and/or selling computer hardware, software and systems in which information from a hard copy document is extracted and transmitted to an application program in a manner defined by the claims of the '505 Patent without permission from Millennium and will continue to do so unless enjoined by this Court.

32. Millennium has been damaged by such infringing activities by the Defendant and will be irreparably harmed unless such infringing activities are enjoined by this Court.

**COUNT SIX**

33. Eon-Net repeats and incorporates herein the entirety of the allegations contained in paragraphs 2 through 7, and 14 through 17 above.



1 program in a manner defined by the claims of the '162 Patent without permission from Eon-Net and  
2 will continue to do so unless enjoined by this Court.

3 41. Eon-Net has been damaged by such infringing activities by the Defendant and will  
4 be irreparably harmed unless such infringing activities are enjoined by this Court.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, the Plaintiffs Millennium and Eon-Net pray for judgment against the  
7 Defendant PB on all the counts and for the following relief:

- 8 A. Declaration that Millennium is the owner of the '855 Patent, and that it has the right  
9 to sue and to recover for infringement thereof;
- 10 B. Declaration that the '855 Patent is valid and enforceable;
- 11 C. Declaration that the Defendant has infringed, actively induced infringement of, and  
12 contributorily infringed the '855 Patent;
- 13 D. A preliminary and permanent injunction against the Defendant, each of its officers,  
14 agents, servants, employees, and attorneys, all parent and subsidiary corporations,  
15 their assigns and successors in interest, and those persons acting in active concert or  
16 participation with them, enjoining them from continuing acts of infringement, active  
17 inducement of infringement, and contributory infringement of the '855 Patent;
- 18 E. An accounting for damages under 35 U.S.C. §284 for infringement of the '855  
19 Patent by the Defendant and the award of damages so ascertained to Millennium  
20 together with interest as provided by law;
- 21 F. Declaration that Millennium is the owner of the '508 Patent, and that it has the right  
22 to sue and to recover for infringement thereof;
- 23 G. Declaration that the '508 Patent is valid and enforceable;
- 24 H. Declaration that the Defendant has infringed, actively induced infringement of, and  
25 contributorily infringed the '508 Patent;
- 26 I. A preliminary and permanent injunction against the Defendant, each of its officers,  
27 agents, servants, employees, and attorneys, all parent and subsidiary corporations,  
28 their assigns and successors in interest, and those persons acting in active concert or

1 participation with them, enjoining them from continuing acts of infringement, active  
2 inducement of infringement, and contributory infringement of the '508 Patent;

3 J. An accounting for damages under 35 U.S.C. §284 for infringement of the '508  
4 Patent by the Defendant and the award of damages so ascertained to Millennium  
5 together with interest as provided by law;

6 K. Declaration that Millennium is the owner of the '465 Patent, and that it has the right  
7 to sue and to recover for infringement thereof;

8 L. Declaration that the '465 Patent is valid and enforceable;

9 M. Declaration that the Defendant has infringed, actively induced infringement of, and  
10 contributorily infringed the '465 Patent;

11 N. A preliminary and permanent injunction against the Defendant, each of its officers,  
12 agents, servants, employees, and attorneys, all parent and subsidiary corporations,  
13 their assigns and successors in interest, and those persons acting in active concert or  
14 participation with them, enjoining them from continuing acts of infringement, active  
15 inducement of infringement, and contributory infringement of the '465 Patent;

16 O. An accounting for damages under 35 U.S.C. §284 for infringement of the '465  
17 Patent by the Defendant and the award of damages so ascertained to Millennium  
18 together with interest as provided by law;

19 P. Declaration that Millennium is the owner of the '416 Patent, and that it has the right  
20 to sue and to recover for infringement thereof;

21 Q. Declaration that the '416 Patent is valid and enforceable;

22 R. Declaration that the Defendant has infringed, actively induced infringement of, and  
23 contributorily infringed the '416 Patent;

24 S. A preliminary and permanent injunction against the Defendant, each of its officers,  
25 agents, servants, employees, and attorneys, all parent and subsidiary corporations,  
26 their assigns and successors in interest, and those persons acting in active concert or  
27 participation with them, enjoining them from continuing acts of infringement, active  
28 inducement of infringement, and contributory infringement of the '416 Patent;



- 1 T. An accounting for damages under 35 U.S.C. §284 for infringement of the ‘416
- 2 Patent by the Defendant and the award of damages so ascertained to Millennium
- 3 together with interest as provided by law;
- 4 U. Declaration that Millennium is the owner of the ‘505 Patent, and that it has the right
- 5 to sue and to recover for infringement thereof;
- 6 V. Declaration that the ‘505 Patent is valid and enforceable;
- 7 W. Declaration that the Defendant has infringed, actively induced infringement of, and
- 8 contributorily infringed the ‘505 Patent;
- 9 X. A preliminary and permanent injunction against the Defendant, each of its officers,
- 10 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
- 11 their assigns and successors in interest, and those persons acting in active concert or
- 12 participation with them, enjoining them from continuing acts of infringement, active
- 13 inducement of infringement, and contributory infringement of the ‘505 Patent;
- 14 Y. An accounting for damages under 35 U.S.C. §284 for infringement of the ‘505
- 15 Patent by the Defendant and the award of damages so ascertained to Millennium
- 16 together with interest as provided by law;
- 17 Z. Declaration that Eon-Net is the owner of the ‘697 Patent, and that it has the right to
- 18 sue and to recover for infringement thereof;
- 19 AA. Declaration that the ‘697 Patent is valid and enforceable;
- 20 BB. Declaration that the Defendant has infringed, actively induced infringement of, and
- 21 contributorily infringed the ‘697 Patent;
- 22 CC. A preliminary and permanent injunction against the Defendant, each of its officers,
- 23 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
- 24 their assigns and successors in interest, and those persons acting in active concert or
- 25 participation with them, enjoining them from continuing acts of infringement, active
- 26 inducement of infringement, and contributory infringement of the ‘697 Patent;
- 27
- 28

- 1 DD. An accounting for damages under 35 U.S.C. §284 for infringement of the '697  
2 Patent by the Defendant and the award of damages so ascertained to Eon-Net  
3 together with interest as provided by law;
- 4 EE. Declaration that Eon-Net is the owner of the '673 Patent, and that it has the right to  
5 sue and to recover for infringement thereof;
- 6 FF. Declaration that the '673 Patent is valid and enforceable;
- 7 GG. Declaration that the Defendant has infringed, actively induced infringement of, and  
8 contributorily infringed the '673 Patent;
- 9 HH. A preliminary and permanent injunction against the Defendant, each of its officers,  
10 agents, servants, employees, and attorneys, all parent and subsidiary corporations,  
11 their assigns and successors in interest, and those persons acting in active concert or  
12 participation with them, enjoining them from continuing acts of infringement, active  
13 inducement of infringement, and contributory infringement of the '673 Patent;
- 14 II. An accounting for damages under 35 U.S.C. §284 for infringement of the '673  
15 Patent by the Defendant and the award of damages so ascertained to Eon-Net  
16 together with interest as provided by law;
- 17 JJ. Declaration that Eon-Net is the owner of the '162 Patent, and that it has the right to  
18 sue and to recover for infringement thereof;
- 19 KK. Declaration that the '162 Patent is valid and enforceable;
- 20 LL. Declaration that the Defendant has infringed, actively induced infringement of, and  
21 contributorily infringed the '162 Patent;
- 22 MM. A preliminary and permanent injunction against the Defendant, each of its officers,  
23 agents, servants, employees, and attorneys, all parent and subsidiary corporations,  
24 their assigns and successors in interest, and those persons acting in active concert or  
25 participation with them, enjoining them from continuing acts of infringement, active  
26 inducement of infringement, and contributory infringement of the '162 Patent;
- 27  
28

1 NN. An accounting for damages under 35 U.S.C. §284 for infringement of the '162  
2 Patent by the Defendant and the award of damages so ascertained to Eon-Net  
3 together with interest as provided by law;

4 OO. Award of reasonable attorney's fees to the Plaintiffs Millennium and Eon-Net  
5 pursuant to 35 U.S.C. §285;

6 PP. Award of Millennium and Eon-Net's costs and expenses; and

7 QQ. Such other and further relief as this Court may deem proper, just and equitable.  
8

9 **DEMAND FOR JURY TRIAL**

10 The Plaintiffs Millennium and Eon-Net demand a trial by jury of all issues properly triable  
11 by jury in this action.

12 By: /s/Jean-Marc Zimmerman  
13 Jean-Marc Zimmerman (JZ 7743)  
14 Zimmerman, Levi & Korsinsky, LLP  
15 226 St. Paul Street  
16 Westfield, NJ 07090  
17 Tel: (908) 654-8000  
18 Fax: (08) 654-7207  
19 Attorneys for Plaintiffs Millennium, L.P.  
20 and Eon-Net, L.P.

21 Dated: March 19, 2008  
22 Westfield, NJ  
23  
24  
25  
26  
27  
28